

March 30, 1994

Keith Bramwell, Secretary
PO Box 65
Dubois, ID 83423

RE: Water District No. 32-C

Dear Mr. Bramwell:

We acknowledge receipt of the Minutes of the Annual
Watermaster's Election Meeting held in your district.

Sincerely,

Lisa Keiser
Office Secretary

Jack Webster
Chairman

Donald Shenton
Watermaster

Keith A. Bramwell
Secretary

RECEIVED
MAR 24 1994
Department of Water Resources

WATER DISTRICT 32-C
MEDICINE LODGE CREEK

RECEIVED
MAR 29 1994

Dubois,
Clark County, Idaho

Department of Water Resources
Eastern District Office

MINUTES OF THE ANNUAL MEETING OF MARCH 15, 1994

In accordance with the provisions of the Idaho Code setting date of the annual meeting for the Water District, the users of Water District 32-C met this day at 3:00 p.m. at the County Commissioners Room in the Courthouse in Dubois, Idaho, for the purpose of electing a Watermaster and Secretary, adopting a budget, fixing the salary of the Watermaster and Secretary, and transacting such other business that might come before the meeting pertaining to the irrigation water of the District.

Those in attendance were: Jack Webster, Chairman, David Burtenshaw, Stephen Worthen, Lynn Hoggan, Wanda Woodfield, Elman Woodfield, Ken Rowland, Jack J. McGarry, Gerald D. Holmes, Lee Small, Greg Taylor (IDWR), Dave Carlson (IDWR), Dusty Shifflett, Susie Shifflett, Van Burtenshaw, Don Shenton, Watermaster; Greg Shenton, Deputy Watermaster; Keith Bramwell, acting secretary.

Chairman Jack Webster called the meeting to order at 3:05 p.m..

MINUTES

Chairman Webster asked the acting secretary to read the minutes of the 1993 meeting. Jack McGarry moved that the minutes be accepted as read. The motion was seconded by Lynn Hoggan and the motion passed unanimously.

ELECTION OF OFFICERS

The Chairman asked for nominations from the floor for the office of Chairman. Jack McGarry nominated Jack Webster and Ken Rowland seconded the nomination. With no further nominations, Jack was re-elected by unanimous ballot.

Don Shenton recommended that Keith Bramwell be considered for the position of secretary. Jack McGarry nominated Keith and Lee Small seconded the nomination. With no further nominations, Keith was elected by unanimous ballot.

ADOPTING AGENDA

Chairman Jack Webster read the proposed agenda. Lynn Hoggan moved that the agenda be accepted and Van Burtenshaw seconded the motion. The motion carried.

A motion made by Lynn Hoggan to dispense with appointing a credentials committee for determination of voting rights was seconded by Susie Shifflett. The motion carried.

WATERMASTERS REPORT

Deputy Watermaster Greg Shenton distributed the 1993 Water District 32-C Report and asked that each read it before having a group review.

Greg reviewed the 1993 water year and indicated that it was a very good year due to the adequate snowpack and the early spring rains, just the opposite of 1992. Licensed water rights were delivered in all months of the water season except October. The cloud seeding during the winter was very helpful. Generators were located at the Sullivan Ranch, Lone Pine Cafe, and the U.S. Sheep Experiment Station. In spite of the success of the 1992-93 cloud seeding, the proposed cloud seeding for the 1993-94 season fell through due to an \$11,000 shortfall in funding.

The 1992 water year was the driest since 1960. 1992 was the first time since 1960 that any real 1883 water had been cut. All of 1884 water was totally off for the last part of August. A special meeting was held to review the transfer of water rights down stream, however, the loss of water from upstream bed losses would have a negative impact on downstream users. No transfers can have a negative effect on other users.

Dusty and Susie Shifflett were added to the water district roll, since they purchased the Tom Christensen properties on the lower Medicine Lodge along with later water rights and licenses appropriated to the lands purchased.

The drought has had a major effect on the water assessments. Those who did not receive their water do not pay for it while those who did must pay extra to cover the costs of the district. The choice is to have water and pay more or have no water and pay no assessment.

Greg presented the 1993 water use. A total of 44,882 A.F. of water was delivered, compared to 16,332 A.F. in 1992.

Beaver dams are becoming more of a problem as they are moving down stream and diverting water and plugging control structures, sometimes nightly. A kill permit has not been issued for Medicine Lodge creek and the Idaho Fish and Game

Department has yet to respond to the letter and resolution sent to it. Fish and Game did remove one problem beaver.

G&L Cattle Company has installed several new weirs and control structures on most of its points of diversion and will finish this next year. Burtenshaws are putting one in on the lower Shenton. Some control devices need repair also.

Water District #32-C is a share holder in the new computer purchased for the water district office. The allocated funds were spent and software is being loaded and programmed.

The financial report and budget were presented. Past years' costs, the five year average cost and the 1994 proposed costs were listed and compared. There are several credit and debit carryovers. There was a balance carried over from the 1993 budget of \$867.91.

1994 Budget

Watermaster	1,800.00
Deputy	5,400.00
Mileage	4,080.00
Other	<u>4,020.00</u>

Total 15,300.00

The snow course measurement was discussed. Last year at this time, the moisture level was 130% of normal. This year the average is 68% of normal. Lynn Hoggan stated that so far, the snow is holding well at the higher elevations.

Don Shenton reviewed the letters and other attachments to the watermaster's report concerning stock water diversions and the beaver situation. Currently, water diverted for stock is legally considered negligible and not regulated. However, in a short water year, substantial diversions, especially by pipelines, could impact licensed water. If that happens, then such diversions may have to be regulated. The beaver problem is partially due to the desire of the Fish and Game to increase the beaver population on the Medicine Lodge. Also, a lot of time is required to identify problem beaver.

Jack McGarry moved that the watermaster's report be accepted and Ken Rowland seconded the motion. The motion passed.

Chairman Jack Webster asked if anyone had any questions regarding the budget. Jack McGarry moved that the proposed budget be accepted. Ken Rowland seconded the motion and the motion passed.

ELECTION OF WATERMASTER AND DEPUTY WATERMASTER

The chairman called for the election of the watermaster and the deputy watermaster. Lynn Hoggan moved and Lee Small seconded that Donald Shenton continue as watermaster and Greg Shenton continue as deputy watermaster. The motion passed unanimously.

APPOINTMENT OF ADVISORY COMMITTEE

The chairman appointed Elman Woodfield, Lee Small, Jack McGarry, and Lynn Hoggan as members of the 1994 Advisory Committee.

RESOLUTIONS

Headgates and Weirs

Moved: Lee Small; Seconded: David Burtenshaw; Passed.

All control devices and measuring devices shall be in good working order before water can be demanded and delivered. The watermaster shall not deliver any water unless such devices are in good working order.

Collection of Water Assessment

Moved: Stephen Worthen; Seconded: Lynn Hoggan; Passed.

That no ditch, canal, or other water user shall have the right to demand and receive water until full payment due is paid. Payment shall become due April 1, 1994 and shall become delinquent May 1, 1994, and if not paid by May 1, 1994 the payment shall bear interest from May 1, 1994 at the rate of eight percent (8%) per annum.

The watermaster shall not deliver any water until full payment due is paid.

Watermaster Term of Service

Lynn Hoggan asked about the starting date. Should it be April 15 or April 1. It was determined that it should be the same as the water year, April 1 to November 1.

Moved: Stephen Worthen; Seconded: Lynn Hoggan; Passed.

That the Watermaster shall be elected for a term of one full year. The purpose is so the watermaster can serve in the legal capacity to do official business for the district in the event of emergencies, legislative actions, hearings, disputes or other water related or job related activities.

The watermaster cannot be required to make water deliveries before April 1, or after November 1, (the normal irrigation season) unless an emergency exists. The watermaster shall not be paid before April 1, or after November 1 from water district budgeted regular funds.

Sprinkler Irrigation

Moved: Lee Small; Seconded: Jack McGarry; Passed.

To prohibit sprinklers pumping directly from Medicine Lodge Creek as per the motion adopted in 1980 which read as follows: " That no additional sprinkler pumping be allowed from Medicine Lodge Creek or its tributaries, without first diverting water into a private pond or sump, to eliminate any interference with regulation of stream waters."

Water Right Exchanges

Moved: Van Burtenshaw; Seconded: Lynn Hoggan; Passed.

Be it resolved that the water users of Medicine Lodge Creek unanimously agree and direct the Watermaster to continue the practice of water right exchanges, which has been practiced since the formation of the stipulation and agreement dated March 2, 1954. Such practices shall include pooling of waters, rented waters, and exchanges beneficial to the users as a whole. The Watermaster is further directed not to deliver the above mentioned waters to a downstream user, until that water delivery amount (c.f.s.) is assessed a bed loss value to provide that no injury to an existing water right would occur. These losses should be assessed as follows: water delivered downstream to a point of the Webster Diversion = 4.0%, Rowland Diversion = 6.0%, Eden Diversion = 10%, and to the Woodfield Diversion = 10.0% plus the measured percent of bed loss from the Eden Diversion to the Woodfield Diversion as determined by the measurements of the Watermaster.

We further resolve that delivery of the above waters cannot be demanded prior to May 1, unless excess water exists in the stream.

OTHER BUSINESS

Idaho Department of Water Resources

Greg Taylor, from the Idaho Department of Water Resources, stated that claim reviews for the adjudication will take place this summer and next summer. He asked if there were any irrigation wells in the district. It was determined that there are three wells in the district and Greg said that conjunctive use probably will not be an issue in this district. Don Shenton said that surface water rights on water coming from 1000 springs could cause calls for water if injury can be proved. An informational meeting will be

held in Rexburg tomorrow at the Armory at 10:00 a.m. with discussion of conjunctive management. A hearing will be held in Idaho Falls on March 24 where testimony can be given. Wanda Woodfield expressed concern for the Woodfield well, drilled in the early 1950's. She asked if the moratorium was still in effect. It was stated that the moratorium is still in effect but that transfers of older water rights takes priority over newer existing well water rights. Steve Worthen asked if additional wells will be allowed to be drilled. He said that studies need to be completed so that actual cause and effect was really known. Greg Taylor stated that new wells with transferred water rights can be drilled. Also, pumping out of priority can be permitted if the user has a mitigation plan in place, which protects other users from potential injury. Steve asked if injury prevents pumping. Greg responded and said that it would if the injured parties called for and attended hearings to testify, but so far, no one has filed a complaint or shown up at the hearings. Don Shenton stated that the irrigators on Mudlake have spent \$1.3 million in new pumps and deepening of existing wells over the last 3 years.

MEETING TIME

Van Burtenshaw made the motion that the 1995 meeting be held on the second Tuesday of March 1995, at 3:00 p.m. in the County Commissioners Room, at the Courthouse, in Dubois, Idaho. Ken Rowland seconded the motion and the motion carried.

ADJOURNMENT

Lynn Hoggan moved to adjourn the meeting, and Ken Rowland seconded the motion. The motion carried. The meeting adjourned at 4:40 p.m.


Jack Webster
Chairman

ATTEST:


Keith A. Bramwell
Secretary